

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LASHANNA SEXTON,

Plaintiff,

v.

No. CV 21-868 SCY/CG

DREAM STREET L.L.C., et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on review of the record. On September 3, 2021, Plaintiff Lashanna Sexton filed a Complaint against Defendants Dream Street L.L.C. and David Streubel. (Doc. 1). That same day, a Summons issued as to Defendants. The Court issued an *Order to Show Cause*, (Doc. 4), on January 4, 2022, ordering Plaintiff to effect service, show cause why the Defendants have not been served, or otherwise show cause why this case should not be dismissed for want of prosecution, by February 3, 2022. (Doc. 4 at 2). In response, Plaintiff filed proof of service of the Summons and Complaint on Defendant Dream Street, L.L.C., on January 13, 2022. (Doc. 7).

On March 14, 2022, the Court issued a second *Order to Show Cause* (the “Order”), (Doc. 8), ordering Plaintiff to update the Court as to the status of service on Defendant David Streubel by April 13, 2022. On April 13, 2022, Plaintiff explained that Plaintiff has been unable to serve Defendant Streubel, (Doc. 10), and filed a *Notice of Voluntary Dismissal of David A. Streubel Only*, (Doc. 9).

The record reflects a Summons was returned executed by the remaining Defendant, Dream Street L.L.C. (Doc. 7). However, Defendant has not responded to Plaintiff's Complaint. No further activity has occurred in this case for over 90 days. Under Local Rule 41.1, "A civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward." D.N.M. LR-41.1. As such, Plaintiff is instructed to show cause why her case should not be dismissed under Rule 41.1 for failure to prosecute.

IT IS THEREFORE ORDERED that, on or before **July 28, 2022**, Plaintiff shall file a notice with the Court stating why this case should not be dismissed for failure to prosecute or file the appropriate motion in accordance with the Federal Rules. Failure to timely comply may result in dismissal of this action without further notice.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE